IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 31160 of 2004(H)

PETITIONER:

K. BABU, S/O. KUTTAN PANICKER,
AGED 53 YEARS, PATHRISSERY VEEDU, OLATHANNI,
NEYYATTINKARA, WORKING AS DRIVER,
NEYYATTINKARA DEPOT., KERALA STATE ROAD
TRANSPORT CORPORATION.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS:
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1. KERALA STATE FINANCIAL ENTERPRISES LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
BHADRATHA MUSEUM ROAD, THRISSUR-20.

2. THE MANAGER, K.S.F.E. NEYYATTINKARA
MAIN BRANCH, M.V. TOURIST, BUILDING,
NEYYATTINKARA.

3. THE SPECIAL DEPUTY TAHSILDAR (R.R)
K.S.F.E.LTD., REGIONAL OFFICE, SILVER JUBILEE
BUILDINGS, STATUE, THIRUVANANTHAPURAM-1.

4. THE SPECIAL DEPUTY TAHSILDAR (R.R.)
K.S.F.E.LTD., AKSHAYA SHOPPING COMPLEX,
NEYYATTINKARA-695 121.

5. THE KERALA ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

6. THE DISTRICT TRANSPORT OFFICER,
OFFICE OF THE DISTRICT TRANSPORT OFFICER,
K.S.R.T.C., NEYYATTINKARA.

7. T. BALANCHANDRAN, KOTTARAKONAM
MEKKEKKARA VEEDU, THALAYAL, RUSSALPURAM P.O.,
THIRUVANANTHAPURAM.

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R5 & R6 BY ADV. SRI.JAMES KOSHY.N., SC. KSRTC
R1 TO R4 BY ADV. SRI.M.K.CHANDRAMOHAN DAS, SC, KSFE, LTD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF DELIVERY ORDER DATED 29.8.2001 ISSUED BY THE 2ND RESPONDENT TO M/S. SUPRIYA AGENCIES, NEYYATTINKARA

EXT.P2 TRUE COPY OF THE CERTIFICSATE, DATED 6.10.2004 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER.

EXT.P3 TRUE COPY OF NOTICE NO. SDT/TVM/4037/03-04 DATED 28.1.2004 ISSUED BY THE THIRD RESPONDENT.

EXT.P4 TRUE COPY OF CERTIFICSATE DATED 6.10.2004 ISSUED BY THE 6TH RESPONDENT.

EXT.P5 TRUE COPY OF LETTER DATED 1.10.2004 SENT BY THE FOURTH RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 31160 OF 2004

Dated this the 29th day of November, 2007

JUDGMENT

The grievance of the petitioner is that recovery has been made from petitioner's salary by KSRTC in garnishee proceedings initiated by KSFE, but remittances were not made. According to him, since payment was not made to KSFE in time, interest also accrued. This Court vide interim order dated 25.10.2004 directed the KSRTC to make payment to KSFE. It is not known whether payment is made. In any case, if delay is committed by the KSRTC in remitting the amount to the creditor organisation after recovery from the petitioner's salary, interest at the rate charged by KSFE on defaulter should be payable by KSRTC. In fact this is the consistent view taken by this Court in a number of cases where this court found that withholding of amount recovered from the employees without paying to the KSFE is illegal. Therefore this W.P. is also disposed of directing the KSRTC to release amounts recovered from the petitioner's salary, if not already made, to KSFE with interest at the same rate charged in the borrower's account

for the period the amount was withheld by the KSRTC. Petitioner will produce a copy of this judgment before the KSRTC for compliance immediately.

(C.N. RAMACHANDRAN NAIR)
Judge